

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

MAY - 6 2016

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America
v.
Ismael Tovar-Zavala - USC
YOB: 1979Case No. *M-16-0870-M**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 21, 2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section*
18 U.S.C. 922(g)(1)*Offense Description*
Title 18 U.S.C. 922 (g) (1): Unlawful to possess a firearm that had previously traveled in and affected interstate commerce while being a felon previously convicted of a crime punishable by imprisonment exceeding one year.

This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet.*P. J. S.**5/6/16*

Sworn to before me and signed in my presence.

Date: 05/06/2016*10:42 am*City and state: McAllen, Texas*Patrick J. Briody**Complainant's signature*

ATF Special Agent Patrick Briody

*Printed name and title**Peter Ormsby**Judge's signature*

U.S. Magistrate Judge Peter Ormsby

Printed name and title

ATTACHMENT A

I, Special Agent Patrick Briody, affiant, do hereby depose and state the following based on firsthand knowledge as well information relayed from other members of law enforcement:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been so employed for six years.
2. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person, who is a convicted felon, to possess a firearm that has traveled in interstate or foreign commerce.
3. On April 21, 2016, Hidalgo County Sheriff's Office deputies conducted a traffic stop in Hidalgo County, Texas, in the Southern District of Texas. The driver of the vehicle was found to be Ismael Tovar-Zavala. Tovar-Zavala was found to be without a valid driver's license and the vehicle was not properly registered. Prior to the vehicle being towed, deputies conducted an inventory of the vehicle. During the inventory, deputies found a Yugoslavian, Model: 59/66, 7.62x39mm caliber weapon made from a rifle bearing serial number 612718.
4. On April 22, 2016, investigators conducted a post-Miranda interview with Tovar-Zavala who claimed to have obtained the firearm for protection.
5. Your affiant obtained a copy of Ismael Tovar-Zavala's April 30, 2009 felony conviction in case number CR-668-09-C, in the 139th Judicial District Court of Hidalgo County, Texas for possession with intent to deliver a controlled substance; to-wit cocaine.
6. Your affiant, a firearms interstate nexus expert, examined the aforementioned firearm and determined that the firearm was manufactured outside the state of Texas and therefore traveled in and affected interstate commerce if found in Texas.

ATTACHMENT A

6. The aforementioned facts are provided for purposes of establishing probable cause and do not reflect the entirety of evidence or facts associated with this case.
7. Based on the aforementioned facts, your affiant believes there is probable cause to charge Ismael Tovar-Zavala for being a felon in possession of a firearm in violation of Title 18 U.S.C. 922(g)(1).


ATF Special Agent Patrick Briody

Sworn to before me and subscribed in my presence,


U.S. Magistrate Judge Peter Ormsby

05/06/2016
